

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1856 – SB 1851

March 21, 2018

**SUMMARY OF ORIGINAL BILL:** Extends the period of advance notice, from 30 days to 35 days, which all licensed child-placing agencies and licensed clinical social workers have to inform the Department of Children's Services (DCS) before changing the fees or charges for services provided to adoptive parents.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (015593):** Deletes all language after the enacting clause. Establishes that if in the four consecutive months preceding the filing of a petition or any amended petition for the termination of parental or guardianship rights, it is a defense to abandonment for failure to visit or failure to support that a parent or guardian's failure to visit or support was not willful. Requires the parent or guardian to bear the burden of proof that failure to visit or support was not willful.

Authorizes the use of initials or pseudonyms in a petition to terminate parental or guardianship rights or in an adoption petition, in lieu of the full names of the petitioners to promote the safety of the petitioners.

Requires the putative father registry of another state be consulted within 10 working days of filing a petition if the petitioner knows or has reason to believe that the mother of the child who is the subject of the termination or adoption petition was living in or was present in another state at the time of the child's conception, and any claims must be reported to the court.

Expands the grounds for the initiation of termination of parental or guardianship rights to include when a child has been removed from the home or the physical or legal custody of the parent or parents or guardian for a period of six months by a court order entered at any stage of proceedings in which a petition has been filed in the juvenile court alleging that a child is a dependent and neglected child, and the conditions that led to the child's removal still persist or other conditions persist that in all reasonable probability would cause the child to be subjected to further abuse or neglect; therefore preventing the child's safe return to the care of placement with the parent or parents or guardians. Requires the six months accrue on or before the first date the termination of parental rights petition is set to be heard.

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Makes various changes to the process of and documentation required when surrendering a child, including requiring the court and any other persons authorized to accept surrenders to personally verify under oath that the parent or guardian agrees with the information provided in the forms and attachments and that such person does accept the surrender of the subject child, and requiring the completion of a Tennessee Surrender Form.

## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Based on information provided by the Administrative Office of the Courts, the proposed legislation would not result in a significant increase in caseloads for the state and local courts. Any increase in expenditures will be absorbed within existing state and local resources.
- Any fiscal impact will be borne by private parties; therefore, no fiscal impact to state or local government.

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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